

Disclaimer: This checklist is for use by DEP in reviewing Notices of Activity and Use Limitation (AULs), and may not be relied upon for any other purpose. This checklist is not a comprehensive list of AUL requirements, which are fully set forth in M.G.L. c. 21E and 310 CMR 40.0000. Completion of this checklist by DEP does not constitute a final agency decision, and does not create any legal rights or relieve any party of obligations that exist pursuant to applicable laws.

**Form: AUL-1993**



**AUL AUDIT CHECKLIST**  
**Checklist for Notice of Activity and Use Limitation -- Form 1075 (July 30, 1993 – January 31, 1995)**

CERTIFIED COPY OF FORM 1075				Citation(s) 310 CMR . . .	Comments
1	Has DEP received a <u>certified</u> copy of the AUL with proof of recording/registration, ie. is Registrar's stamp on the document, indicating it is certified? (If yes, check one of the options below): ___ AUL marked with a Registry stamp indicating an Instrument Number ___ AUL marked with a Registry stamp indicating a Book and Page Number ___ AUL marked with a Land Registration stamp indicating a Land Registration Document Number	Y	N	40.1056(2)(f) 40.1074(3)	
2	Is the Property registered land or unregistered land?	Register ed	Un- registered		
REQUIREMENTS FOR COMPLETING FORM 1075				Citation(s)	Comments
3	Is the Form's boilerplate unaltered, except where alterations are allowed through bracketed language?	Y	N	40.1074(1)(a) 40.1075	
4	If the boilerplate is inappropriately altered, attach a copy of the Form with alterations highlighted.	Done			
5	Is the Disposal Site name identified?	Y	N	40.1074(1)(a) 40.1074(2)(c) 40.1075	
6	Is the DEP Release Tracking Number(s) identified, in the following locations? ___ Header* (see note, below) ___ Paragraph 3 ___ Paragraph 5	Y	N	40.1074(1)(a) 40.1074(2)(c) 40.1075	
7	Is the name of the Property Owner identified?	Y	N	40.1074(1)(a) 40.1074(2)(b) 40.1075	
8	If Owner is a corporation, is the state of incorporation identified?	Y	N	Not applicable	For information only; not required
9	Is the address of the Property Owner identified?	Y	N	40.1074(1)(a) 40.1075	

\* NOTE: For purposes of auditing Notices of Activity and Use Limitation (AULs), numbers have been arbitrarily assigned to each paragraph of Form 1075 (as published in the 7/30/1993 Massachusetts Register), as indicated on the attached unofficial copy of Form 1075. These paragraph references are intended for use solely by DEP staff and contractors during audits of AULs, and are not to be cited or relied on for any other purpose.

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REQUIREMENTS FOR COMPLETING FORM 1075, cont.				Citation(s)	Comments
10	Is the address of the Property subject to the AUL identified (City/Town & County)?	Y	N	40.1074(1)(a) 40.1074(2)(a)1 40.1075	
11	Is the source of Owner's title to the Property identified? (if yes, check one of the options below) <input type="checkbox"/> Registry, Book and Page Number of Deed (unregistered land) <input type="checkbox"/> Land Registration Office and Certificate of Title Number (registered land) <input type="checkbox"/> Other (e.g. probate reference): _____	Y	N	40.1074(1)(a) 40.1075	
12	Does the form indicate, through use of bracketed language, whether land is vacant or improved?	Y	N	Unclear 40.1074(1)(a) 40.1075	
13	Is reference made to a survey plan of the Property, including the following information? <input type="checkbox"/> Title of plan <input type="checkbox"/> Date of plan <input type="checkbox"/> Name of surveyor who prepared plan AND (check one) <input type="checkbox"/> Unregistered land: Registry, Plan Book & Plan Number <input type="checkbox"/> Registered land: Land Court Plan Number	Y	N	40.1074(1)(a) 40.1075	
14	Is reference made to a survey plan of the Disposal Site, including the following information? <input type="checkbox"/> Date of plan <input type="checkbox"/> Title of plan <input type="checkbox"/> Name of surveyor who prepared plan	Y	N	40.1074(1)(a) 40.1075	
15	If response actions were taken at only a Portion of the Disposal Site: Is reference made to a survey plan of the Portion, including the following information <input type="checkbox"/> Date of plan <input type="checkbox"/> Title of plan <input type="checkbox"/> Name of surveyor who prepared plan	Y	N	Not applicable 40.1074(1)(a) 40.1075	

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REQUIREMENTS FOR COMPLETING FORM 1075, cont.					Citation(s)	Comments
16	Is bracketed language selected in the following locations, indicating whether the AUL applies to the Property, Disposal Site, or Portion of the Disposal Site (check all that apply)? ___ Paragraph 2 ___ Paragraph 3 ___ Paragraph 4 ___ Paragraph 5 ___ Paragraph 6 ___ Paragraph 7 ___ Paragraph 8 ___ Paragraph 13 ___ Paragraph 14 ___ Paragraph 15 ___ Paragraph 16 ___ Paragraph 17	Y	N		40.1074(1)(a) 40.1074(2)(a) 40.1075	
17	Does the AUL apply to (1) the Property, (2) the Disposal Site, or (3) a Portion of the Disposal Site? (select one)	1	2	3		
18	Does the Form identify the date of the AUL Opinion?	Y	N		40.1074(1)(a) 40.1075	
19	Does the Form identify the LSP who prepared the AUL Opinion?	Y	N		40.1074(1)(a) 40.1075	
20	Does the Form identify, in the following locations, the DEP regional office where the AUL Opinion was filed and where any related future AUL Opinions should be filed? ___ Paragraph 3 ___ Paragraph 5	Y	N		40.1074(1)(a) 40.1075	
21	Are the references to DEP regional offices consistent?	Y	N			
22	Does the Form include a description of inconsistent activities and uses?	Y	N		40.1074(1)(a) 40.1074(2)(f) 40.1075	
23	If yes, is the description of inconsistent activities and uses written in a clear and understandable manner?	Y	N		40.1074(2)(f)	
24	Does the Form include a description of permitted activities and uses?	Y	N		40.1074(1)(a) 40.1074(2)(d) 40.1075	
25	If yes, is the description of permitted activities and uses written in a clear and understandable manner?	Y	N		40.1074(2)(d)	
26	Does the Form include a description of obligations and conditions?	Y	N		40.1074(1)(a) 40.1074(2)(e) 40.1075	

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REQUIREMENTS FOR COMPLETING FORM 1075, cont.				Citation(s)	Comments
27	If yes, is the description of obligations and conditions written in a clear and understandable manner?	Y	N		40.1074(2)(e)
28	Is the Form signed by the Property Owner?	Y	N		40.1074(1)(a) 40.1074(2)(i) 40.1075
29	Is the Owner's signature an authorized and binding signature? (If yes, check one of the options below) <input type="checkbox"/> Sole ownership: signed by sole owner <input type="checkbox"/> Joint ownership: signed by all owners <input type="checkbox"/> Trust: Signed in accordance with requirements established by the trust document <input type="checkbox"/> Corporation: Certificate of incumbency AND (Check one) <input type="checkbox"/> Signed by President and Treasurer <input type="checkbox"/> Signed by President and Assistant Treasurer <input type="checkbox"/> Signed by Vice President and Treasurer <input type="checkbox"/> Signed by Vice President and Assistant Treasurer <input type="checkbox"/> Signed by other officer(s) authorized by vote of the Board of Directors, with vote authorizing said officer(s) attached to Form <input type="checkbox"/> Other (explain): _____ _____	Y	N	Unclear	40.1074(2)(i)
30	Is the Owner's signature dated?	Y	N		40.1074(1)(a) 40.1075
31	Is the Owner's signature properly notarized, ie. are each of the following requirements met? <input type="checkbox"/> All signatures are individually notarized <input type="checkbox"/> State and county of notary are identified <input type="checkbox"/> Owner is named in notary block <input type="checkbox"/> Notary signature is present <input type="checkbox"/> Notary signature is dated <input type="checkbox"/> Commission expiration date is identified <input type="checkbox"/> Commission is not expired at time of notarization <input type="checkbox"/> Notary seal or stamp is included (required for out-of-state notary; not required for Massachusetts notary)	Y	N		40.1074(1)(a) 40.1074(2)(i) 40.1075
32	Is the Form signed by an LSP?	Y	N		40.1074(1)(a) 40.1074(2)(i) 40.1075
33	Is the LSP's signature dated?	Y	N		40.1074(1)(a) 40.1075

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REQUIREMENTS FOR COMPLETING FORM 1075, cont.				Citation(s)	Comments
34	Is the LSP's signature dated on or after (not before) the date of owner's signature? (Enter dates below): Date of LSP's signature _____ Date of Owner's signature _____	Y	N		
35	Is LSP's signature sealed with LSP stamp?	Y	N	40.1074(1)(a) 40.1074(2)(i) 40.1075	
36	Is the LSP's signature properly notarized, ie. are each of the following requirements met? ___ State and county of notary are identified ___ LSP is named in notary block ___ Notary signature is present ___ Notary signature is dated ___ Commission expiration date is identified ___ Commission is not expired at time of notarization ___ Notary seal or stamp is included (required for out-of-state notary; not required for Massachusetts notary)	Y	N	40.1074(1)(a) 40.1074(2)(i) 40.1075	
REQUIRED ATTACHMENTS TO FORM 1075					
EXHIBIT A				Citation(s)	Comments
37	Is a legal description of the parcel containing the area subject to the AUL (either a running description or a bounding description ) attached as Exhibit A? (Check one): ___ Running (metes & bounds) description (unregistered land) ___ Bounding description (registered land)	Y	N	40.1074(2)(a)2	
EXHIBITS B,B-1				Citation(s)	Comments
38	Is a legal description of the Disposal Site (metes & bounds) attached as Exhibit B?	Y	N	40.1074(2)(a)3	
39	If Property is registered: Is an 8.5" x 11" survey plan of the Disposal Site attached as Exhibit B-1?	Y	N	Not applicable	40.1074(2)(a)3
40	If Property is registered: Does the legal description of the Disposal Site (Exhibit B) conform to the survey plan of the Disposal Site (Exhibit B-1)?	Y	N	Not applicable	40.1074(2)(a)3
EXHIBIT C					
41	If response actions have been taken at only a Portion of the Disposal Site: Is a legal description of that Portion (metes and bounds) attached as Exhibit C?	Y	N	Not applicable	40.1074(2)(a)3
42	If Property is registered and response actions have been taken at only a Portion of the Disposal Site,: Is a survey plan of that Portion attached as Exhibit C-1?	Y	N	Not applicable	40.1074(2)(a)3
43	If Property is registered and only a Portion of the Disposal Site is subject to the AUL: Does the legal description of the Portion (Exhibit C) conform to the survey plan of the Portion (Exhibit C-1)?	Y	N	Not applicable	40.1074(2)(a)3

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EXHIBIT D				Citation(s)	Comments
44	Is an LSP Opinion, in narrative form, attached as Exhibit D?	Y	N	40.1056(1)(f) 40.1056(2)(g) 40.1074(1)(b)	
45	Is the LSP Opinion signed?	Y	N	40.0015(1)	
46	Is LSP's signature dated?	Y	N	40.0015(1)	
47	Is LSP's seal included?	Y	N	40.0015(1)	
CONSISTENCY OF FORMS, ATTACHMENTS & PLANS				Citation(s)	Comments
48	Do the permitted uses in the Form match those in the LSP Opinion?	Y	N	40.1056(2)(g)	
49	Do the inconsistent uses in the Form match those in the LSP Opinion?	Y	N	40.1056(2)(g)	
50	Do the conditions and obligations in the Form match those in the LSP Opinion?	Y	N	40.1056(2)(g)	
51	Are the Form's descriptions of permitted activities, inconsistent activities, and obligations and conditions consistent with each other?	Y	N	40.1056(2)(g)	
CONSISTENCY OF FORMS, ATTACHMENTS & PLANS, cont.				Citation(s)	Comments
52	Is the date of the LSP Opinion consistent with the AUL Opinion date listed in the Form?	Y	N		
PUBLIC NOTICE REQUIREMENTS				Citation(s)	Comments
53	Was evidence submitted that a copy of the Form was forwarded to the local officials listed below within 30 days of being recorded or registered? ___ Chief Municipal Officer ___ Board of Health ___ Zoning Official ___ Building Code Enforcement Official	Y	N	40.1090(1) 40.1403(6)(a)	
54	Was evidence submitted that notice of the AUL was published in a local newspaper within 14 days of being recorded or registered?	Y	N	40.1090(1) 40.1403(6)(b)	
55	If yes, did the published notice include the following? ___ The name, address, and RTN of the disposal site ___ The type of Activity and Use Limitation (ie. Notice of Activity and Use Limitation) ___ Information about where the AUL and site file can be reviewed ___ The name, address and phone number of the person recording the AUL	Y	N	Not applicable 40.1090(1); 40.1403(6)(b)	
REQUIREMENTS FOR RECORDING/REGISTERING FORM 1075				Citation(s)	Comments
56	Was the AUL recorded at the Registry of Deeds and/or registered at the land Registration Office within 14 days of being executed?	Y	N		
57	Was the certified Registry copy of the Form forwarded to DEP within 30 days of being recorded or registered?	Y	N	40.1074(3)	
58	Was the Form current at the time it was registered or recorded? If not, which version of the Form should have been used? _____	Y	N	40.1074(1)(a) 40.1075	

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REQUIREMENTS FOR RECORDING/REGISTERING FORM 1075, cont. (questions which may require research at Registry of Deeds and/or Land Registration Office)					Citation(s)	Comments
59	Is the AUL marginally referenced on the deed into the Owner of the Property?	Y	N		40.1074(1)(a) 40.1075	
60	If land is unregistered: Was a survey plan of the Property containing the area subject to the AUL recorded as a Plan with the Registry of Deeds prior to the recording of the AUL? (if yes, obtain a copy of the plan)	Y	N	Not applicable	40.1074(2)(a)2	
61	If yes, does the legal description of the Property containing the area subject to the AUL (Exhibit A) conform to the survey plan of the Property?	Y	N	Not applicable	40.1074(2)(a)2	
62	If land is unregistered: Was a survey plan of the Disposal Site recorded as a plan with the Registry of Deeds prior to or with the recording of the AUL? (if yes, obtain a copy of the plan)	Y	N		40.1074(2)(a)3	
63	If yes, does the legal description of the Disposal Site (Exhibit B) conform to the survey plan of the Disposal Site?	Y	N		40.1074(a)(3)	
64	If land is unregistered and only a Portion of the Disposal Site is subject to the AUL: Was a survey plan of the Portion recorded as a Plan with the Registry of Deeds prior to or with the recording of the AUL? (if yes, obtain a copy of the plan)	Y	N	Not applicable	40.1074(2)(a)3	
65	If yes, does the legal description of the Portion (Exhibit C) conform to the survey plan of the Portion?	Y	N	Not applicable	40.1074(2)(a)3	
66	If land is registered: Obtain a copy of the Land Court Plan of the Property containing the area subject to the AUL, on file at the Land Registration Office.	Done		Not applicable		
REQUIREMENTS FOR RECORDING/REGISTERING FORM 1075, cont. (questions which may require research at Registry of Deeds and/or Land Registration Office, cont.)					Citation(s)	Comments
67	If land is registered: Does the legal description of the Property containing the area subject to the AUL(Exhibit A) conform to the Land Court Plan of the Property?	Y	N	Not applicable	40.1074(2)(a)2	
68	If land is registered, and an 8 ½" x 11" survey plan of the Disposal Site is not attached as an Exhibit: Was a survey plan of the Disposal Site recorded as a plan with the Registry of Deeds prior to or with the recording of the AUL? (if yes, obtain a copy of the plan)	Y	N	Not applicable	40.1074(2)(a)3	
69	If yes, does the legal description of the Disposal Site (Exhibit B) conform to the survey plan of the Disposal Site?	Y	N	Not applicable	40.1074(2)(a)3	
70	If land is registered, and only a Portion of the Disposal Site is subject to the AUL, and an 8 ½" x 11" survey plan of the Portion is not attached as an Exhibit: Was a survey plan of the Portion recorded as a Plan with the Registry of Deeds prior to or with the recording of the AUL? (if yes, obtain a copy of the plan)	Y	N	Not applicable	40.1074(2)(a)3	
71	If yes, does the legal description of the Portion (Exhibit C) conform to the survey plan of the Portion?	Y	N	Not applicable	40.1074(2)(a)3	

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COMMENTS